

EXHIBIT APR-17

Hearing Transcript | April 17, 2025 | Omnibus Hearing
EXHIBIT APR-17

[134_Transcript_April-17-2025_Hearing_2025-04-23.pdf](#)

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Page: 1 of 15 [[source file](#)] [[.ots timestamp of source file](#)]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
1	STATE OF MINNESOTA	DISTRICT COURT
2	COUNTY OF HENNEPIN	FOURTH JUDICIAL DISTRICT
3		
4	State of Minnesota,	
5	Plaintiff,	Transcript of Proceedings
6	vs.	Court File No. 27-CR-23-1886
7	Matthew David Guertin,	
8	Defendant.	
9		
10		
11	The above-entitled matter came before the	
12	Honorable Sarah Hudleston, one of the Judges of the above-named	
13	court, in Courtroom 1055, Hennepin County Government Center, 300	
14	South Sixth Street, Minneapolis, Minnesota, on the 17th day of	
15	April, 2025, at 9:15 a.m.	
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Hearing Transcript | April 17, 2025 | Omnibus Hearing
EXHIBIT APR-17

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Page: 2 of 15 [[source file](#)] [[.ots timestamp of source file](#)]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
1	A P P E A R A N C E S	
2	Mawerdi Hamid, Assistant Hennepin County Attorney,	
3	appeared as counsel for and on behalf of the Plaintiff.	
4	Raissa Carpenter and Emmett Donnelly, Assistant	
5	Hennepin County Public Defenders, appeared as counsel for and	
6	with the Defendant.	
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24	Maya Funk	
25	Official Court Reporter	
	Minneapolis, Minnesota	

Hearing Transcript | April 17, 2025 | Omnibus Hearing
EXHIBIT APR-17

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Page: 3 of 15 [[source file](#)] [[.ots timestamp of source file](#)]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
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1	P R O C E E D I N G S	
2	THE CLERK: Your Honor, this is the State of	
3	Minnesota vs. Matthew Guertin, Court File 27-CR-23-1886,	
4	and we are on the record.	
5	THE COURT: Good morning, Mr. Guertin.	
6	MR. GUERTIN: Good morning.	
7	THE COURT: Good morning, counsel. Note	
8	appearances, please.	
9	MS. HAMID: Good morning. Mawerdi Hamid for	
10	the state.	
11	MR. DONNELLY: Your Honor, Emmett Donnelly and	
12	Raissa Carpenter on behalf of Matthew Guertin. Matthew	
13	Guertin is present and seated between us.	
14	THE COURT: Okay. So, this omnibus hearing had	
15	been postponed several times based on the Rule 20.01	
16	referral and evaluation report, and then that report was	
17	contested, and I understand that Judge Koch ultimately	
18	entered a finding recently of competence.	
19	And so, counsel, from your perspective what is	
20	the status of the case and what are you asking for today?	
21	Ms. Carpenter or Mr. Donnelly?	
22	MR. DONNELLY: Sure, Your Honor. Yes. The	
23	contested competency hearing was held in front of Judge	
24	Koch. He made a ruling. That was a request, a demand	
25	for a competency hearing that was made by Mr. Guertin.	

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Page: 4 of 15 [[source file](#)] [[.ots timestamp of source file](#)]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
		4
1	And of course we as his counsel provided representation	
2	during that hearing. That doesn't mean that we concur	
3	with the ruling. But in any event, here we are.	
4	In our conversations with Mr. Guertin, he has	
5	filed various pro se motions including a motion to	
6	dismiss. And I believe that that motion to dismiss also	
7	includes a demand for an evidentiary hearing. And if it	
8	wasn't specifically stated in there, I believe Mr.	
9	Guertin's intent is at least to amend his motion to	
10	include a demand for an evidentiary hearing.	
11	Ms. Carpenter and I are his attorneys of	
12	record. We have not filed that motion. We have not	
13	adopted that motion. But it is not -- we do not intend	
14	to bring it up for a hearing, but it is not our role to	
15	dispose of that motion either.	
16	THE COURT: Okay. Well, Mr. Guertin, you have	
17	counsel. So, they handle the filings. They handle the	
18	motions. We don't generally accept additional pro se	
19	motions when someone is represented. So, I think --	
20	well, Ms. Hamid, what is your position on these motions?	
21	MS. HAMID: Your Honor, I'm agreeing with	
22	defense counsel. Defendant is represented. He filed the	
23	pro se motion. It appears that the counsels are not	
24	adopting or filing this motion on his behalf, and it's	
25	not properly before the Court and should not be	

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Page: 5 of 15 [source file] [.ots timestamp of source file]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
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1	addressed.	
2	THE COURT: Okay. And I'm seeing here that	
3	this was filed yesterday. It looks like it says,	
4	"Motions to Dismiss all Charges with Prejudice" is the	
5	caption, and then there are a number of sub-pieces to the	
6	motion.	
7	So, I'm not, Mr. Guertin, intending to address	
8	those because you have counsel who are very well trained	
9	in the law and very experienced, and they are going to	
10	bring any meritorious motions they see, and they have	
11	defended you and put forth your interests in this recent	
12	competency proceeding. So, I know that they're very good	
13	attorneys, and I'm going with what they're doing right	
14	now.	
15	MR. GUERTIN: It sounds like I'm still being	
16	held incompetent and having people control my decisions	
17	that I make even though my path forward that I would like	
18	to take is in fact to have -- that's my legal strategy	
19	that I would like to employ. So, technically I'm the one	
20	that ultimately makes the decisions since if we want to	
21	be technical based on a role, these are public defenders	
22	who normally I have now for the fact that I was --	
23	satisfied the criteria of not making enough money. But	
24	normally they would be paid, and they would be hired by	
25	me. And so technically, if you want to be technical,	

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Page: 6 of 15 [source file] [.ots timestamp of source file]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
		6
1	they work for me, right? There would be the same as	
2	hiring an employee. They are representing me and	
3	representing my legal strategy that I would like to	
4	employ.	
5	The legal strategy that I would like to employ	
6	at this time is to have a motion for a continuance right	
7	now to give you a chance to look over that since I know	
8	it was just filed yesterday at 3:15 p.m.	
9	THE COURT: Okay.	
10	MR. GUERTIN: That's the legal strategy that I	
11	would like to employ and how I would like to move forward	
12	with my legal case.	
13	THE COURT: Okay. I understand that that is	
14	the legal strategy you are seeking to employ. Your	
15	attorneys in addition to being your attorneys who work	
16	with you, they are officers of the court. They're sworn	
17	to not make frivolous motions. They are not allowed to	
18	bring things to the Court that don't have a sound legal	
19	basis. And they are also sworn to be zealous advocates	
20	for you on your behalf within the bounds of the law. So,	
21	I trust that they will do that, and I'm not going to	
22	override the rules and look at something that you filed	
23	even though I hear you saying that that's what you want	
24	and that is your strategy.	
25	So, with that, counsel, what do you see as the	

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EXHIBIT APR-17

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Page: 7 of 15 [[source file](#)] [[.ots timestamp of source file](#)]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
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1	next step here?	
2	MR. DONNELLY: Well, I think that Mr. Guertin's	
3	going to make some decisions about how he intends to move	
4	forward given the Court's ruling. And he has some	
5	choices to make. One choice, of course, is who's	
6	representing him. And then beyond that, the scheduling	
7	of the case whether that's to ask the Court for a	
8	continuance, set a trial, or reach a negotiation with the	
9	state.	
10	THE COURT: Okay. Do you want -- I know you've	
11	spoken with him. At this point I'm expecting that we	
12	would set a trial given the age of the case and then	
13	certainly in the meantime, parties can negotiate, and if	
14	they reach an agreement, we can strike the trial and I	
15	can -- I'll get you in -- find a way anytime. Does	
16	anybody have a problem with that course?	
17	MR. DONNELLY: May we have a moment, Your	
18	Honor?	
19	THE COURT: Certainly. We'll give you some	
20	white noise.	
21	(Conversations were held off the record.)	
22	MR. DONNELLY: So, Mr. Guertin has advised	
23	counsel that he would like to discharge the public	
24	defender's office and proceed with self-representation.	
25	Typically, there's a form petition that needs to be	

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EXHIBIT APR-17

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Page: 8 of 15 [[source file](#)] [[.ots timestamp of source file](#)]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
		8
1	filled out. It doesn't always have to be, but it's more	
2	a matter of how the Court wants to move forward with that	
3	request.	
4	THE COURT: Yes. Usually, Mr. Guertin, when	
5	this happens, usually someone from the public defender's	
6	office who is not your current attorney -- so Geoff	
7	Isaacman or someone -- maybe Jessi Colbert would go over	
8	the petition with you to make sure that you really	
9	understand because it's a really big deal to not have an	
10	attorney.	
11	As I was describing, attorneys are trained with	
12	three years of law school, so they know the rules. If	
13	you're by yourself representing yourself, you'd be held	
14	to those same rules. You'll have to know and follow	
15	court procedure and criminal procedure and evidence rules	
16	and things like that. And so, having a lawyer is	
17	exceedingly helpful in court.	
18	Now, of course you do have the right to self-	
19	represent, but because it is such a big, important choice	
20	and it comes with so many consequences, normally what we	
21	do is have you meet, as I said, with a senior person in	
22	the public defender's office to go over that petition.	
23	So, I would intend if that is your desire to essentially	
24	continue this hearing and we would come back at a time	
25	that worked for one of those people with you with that	

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EXHIBIT APR-17

134 Transcript April-17-2025 Hearing 2025-04-23.pdf

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Page: 9 of 15 [source file] [.ots timestamp of source file]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
		9
1	petition filled out.	
2	Ms. Carpenter or Mr. Donnelly, is that still	
3	your understanding as well as how this works?	
4	MR. DONNELLY: I think that's fine, Your Honor.	
5	It doesn't -- yes. That's fine. I don't think it has to	
6	work that way, but we can do that. It would make sense I	
7	think to continue it for a brief period of time for him	
8	to consult with another person in the office.	
9	THE COURT: Okay.	
10	MR. DONNELLY: That's fine. I mean, I --	
11	THE COURT: Ms. Hamid, any issues with that?	
12	MS. HAMID: No, Your Honor.	
13	THE COURT: Okay.	
14	MR. GUERTIN: I would like to still -- like, I	
15	understand either I have counsel or I don't.	
16	THE COURT: Yes.	
17	MR. GUERTIN: I understand that aspect of it,	
18	but I would just -- to have an advisory role or like	
19	standby counsel?	
20	THE COURT: That's something that is gone over	
21	in the petition.	
22	MR. GUERTIN: Okay.	
23	THE COURT: Yeah. You won't be able to have	
24	standby counsel from the public defender's office, but	
25	sometimes they are able to be advisory counsel, but it is	

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EXHIBIT APR-17

134 Transcript April-17-2025 Hearing 2025-04-23.pdf

SHA-256 Hash of Source File: 5c51e51a544b0fe2b063fe8444268d87b00febb7fe385a96f53a47937cb533d9

Page: 10 of 15 [source file] [.ots timestamp of source file]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
		10
1	a very, very limited role. It's -- they don't initiate	
2	anything. It's basically just to answer questions of	
3	yours, legal questions. And so, having an attorney to	
4	advocate for you is hugely more advantageous. It's just	
5	a lot more ability to do things on your behalf and to do	
6	the actual, you know, digging in work, the research, the	
7	arguing.	
8	So, again, all of that is just for background	
9	for you. I understand that you are going to consider	
10	this, and you'll go over the advisory counsel and the	
11	different options there when you do the petition. But	
12	that -- I'm not sure that standby counsel will be	
13	available for you. I can certainly see and inquire if	
14	there's another way for me to do that other than the	
15	public defender's office, but I just want to make sure	
16	you know that that doesn't for sure mean you'll have that	
17	option.	
18	MR. GUERTIN: Yeah. All I would request in	
19	that situation then is to be provided with the time to do	
20	the necessary research that I would need to do to be able	
21	to make sure that I'm fulfilling all of the procedural	
22	requirements of that role. And then my other question	
23	would be how -- if I get a continuance and then -- my	
24	question's just about how much time I have basically or	
25	what sort of time is allotted. And then B would be if I	

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EXHIBIT APR-17

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Page: 11 of 15 [[source file](#)] [[.ots timestamp of source file](#)]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
		11
1	made that decision, when does that decision become	
2	official? And then when would my motion that I entered	
3	into the record get ruled on?	
4	THE COURT: So, I can't give you specific	
5	dates, but what would happen in broad big picture strokes	
6	is that you would meet with the person I described from	
7	the public defender's office, fill out that petition if	
8	indeed you still want to go that route. Then we would	
9	come back for essentially a continuation of this hearing.	
10	We would essentially pause this hearing, come back and	
11	finish it. At that point if I'm satisfied that you fully	
12	understand what it means to represent yourself, I would	
13	essentially discharge your public defenders, and you	
14	would be at that point self-represented, and at that	
15	point I could consider things that you file.	
16	MR. GUERTIN: Okay. So, if we move forward	
17	with that, what -- how -- when would we come back and	
18	meet here again basically?	
19	THE COURT: Right. So, that we would have to	
20	coordinate with the state and with the public defender's	
21	office. Let's see. Maybe if we can coordinate with	
22	current counsel, at least someone then could come back	
23	with him with that petition. I mean, if counsel are	
24	available, we could make a time next week. We'll be in	
25	trial, but we could make a time. Or the week of the 28th	

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EXHIBIT APR-17

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Page: 12 of 15 [[source file](#)] [[.ots timestamp of source file](#)]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
		12
1	we should have more time available because that's a block	
2	week.	
3	MS. HAMID: The 28th is better for me, Your	
4	Honor. I have about seven trials next week.	
5	THE COURT: Okay. So, let's look at the week	
6	of the 28th then, please.	
7	MR. GUERTIN: And that's when we're going to	
8	come back here?	
9	THE COURT: Correct. Yeah.	
10	MR. GUERTIN: And then in between that time,	
11	I'm going to do what? I'm going to fill out the	
12	petition?	
13	(Conversations were held off the record.)	
14	MR. GUERTIN: How does the declaration come in	
15	for -- it sounds like there's still another competency	
16	determination being made as far as your mention of	
17	whether or not you think I understand what it means to	
18	represent myself. So, there's still some sort of	
19	determination being made about whether or not I am	
20	allowed to proceed with representing myself, it sounds	
21	like?	
22	THE COURT: Well, you will see on the petition	
23	what that's referring to. I'm not referring to -- I'm	
24	bound by the competency finding. But the petition talks	
25	about making an informed, knowing, voluntary, intelligent	

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EXHIBIT APR-17

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Page: 13 of 15 [[source file](#)] [[.ots timestamp of source file](#)]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
		13
1	waiver of your right to have counsel. And so, I need to	
2	make sure that that's met. That you fully understand all	
3	of the things that are described in that petition such as	
4	the things I described that -- what your responsibilities	
5	will be. That you will be held to essentially the same	
6	rules and standards as a lawyer. And essentially just	
7	that you're making an informed decision for yourself.	
8	I'll need to be able to make that finding for you to	
9	self-represent. But that's largely what that petition is	
10	designed to do. And then we would go over it in open	
11	court.	
12	MR. GUERTIN: Okay. So then, let's	
13	hypothetically say we come back here on the 28th and I	
14	fulfill that, then -- obviously I can do research into	
15	this, but then is there a -- how much time would be from	
16	that point forward? Would that be the same hearing as	
17	today and then I would need to make a decision again, or	
18	would there be time allotted to allow for pro se	
19	representation?	
20	THE COURT: Well, at that point I would	
21	probably give the state the time it needs to respond to	
22	your motions, and then I would have a time in which I can	
23	rule on them which is -- depending on the type of motion,	
24	but if it's an evidentiary motion, it's usually 30 days.	
25	And if there's a reason for a hearing, we would have a	

Hearing Transcript | April 17, 2025 | Omnibus Hearing
EXHIBIT APR-17

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Page: 14 of 15 [[source file](#)] [[.ots timestamp of source file](#)]

	27-CR-23-1886	Filed in District Court State of Minnesota 4/23/2025 2:09 PM
		14
1	hearing. But that would happen after the 28th.	
2	So, say we come back -- so, for example we have	
3	9:30 on the 28th available if that works for you all.	
4	Then we would have the hearing then. If indeed you	
5	choose to go self-represented or we also call it pro se,	
6	then at that point I would be able to consider your	
7	filing. I would give the state the time it needs to	
8	respond, and then I would rule on it. We could also set	
9	a trial date too to have -- make sure we have a trial	
10	date in the future.	
11	MR. GUERTIN: Yeah. I just -- I'm open to --	
12	I'm not -- I'm set on self-representation if that's what	
13	I need to do to have my motion ruled on. But I'm not set	
14	on any necessary path from that point. I'm just --	
15	that's how I would like to proceed.	
16	THE COURT: Okay. Does 9:30 Monday the 28th	
17	work for everyone?	
18	(Dates were discussed.)	
19	THE COURT: Okay. So, we'll get you a notice,	
20	Mr. Guertin. And then we'll have a hearing on -- we went	
21	with the 29th, correct?	
22	MR. DONNELLY: Eleven o'clock, I think.	
23	THE COURT: Okay.	
24	(The proceedings were adjourned at 9:34 a.m.)	
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Hearing Transcript | April 17, 2025 | Omnibus Hearing
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Page: 15 of 15 [source file] [.ots timestamp of source file]

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1	STATE OF MINNESOTA)	
	ss:	
2	COUNTY OF HENNEPIN)	
3		
4		
5	COURT REPORTER'S CERTIFICATE	
6	I, MAYA FUNK, an Official Court Reporter in and	
7	for the Fourth Judicial District of the State of	
8	Minnesota, do hereby certify that I have transcribed	
9	the foregoing transcript from the CourtSmart audio	
10	recording, and that the foregoing pages constitute a	
11	true and correct transcript of the proceedings taken in	
12	connection with the above-entitled matter to the best	
13	of my ability.	
14	Dated: April 23, 2025	
15		
16		
17	/s/ <i>Maya Funk</i>	
18	Maya Funk	
19	Official Court Reporter	
20	C859 Government Center	
21	300 South Sixth Street	
22	Minneapolis, MN 55487	
23	(612) 322-6951	
24		
25		